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Paper No. 8

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OFFICE OF PETITIONS

In re Application of
Silverbrook, Kia
Application No. 09/693,135
Filed: July 7, 2003
Attorney Docket No. MJ21US

ON PETITION

This is a decision on the petition under 37 C.F.R. § 1.137(b), filed July 7, 2003, to revive the above-identified application.

The petition is **granted**.


This application became abandoned for failure to timely reply within three months to the non-final Office action mailed October 4, 2001. No extensions of time under the provisions of 37 CFR 1.136(a) were timely obtained. Accordingly, this application became abandoned on January 5, 2002. A Notice of Abandonment was mailed on December 21, 2002.

Petitioner has met the requirements to revive the above-identified application pursuant to 37 CFR 1.137(b).

An extension of time under 37 CFR 1.136 must be filed prior to the expiration of the maximum extendable period for reply. See In re Application of S., 8 USPQ2d 1630, 1631 (Comm'r Pats. 1988). Accordingly, since the \$110.00 extension of time fee submitted with the petition on July 7, 2003 was subsequent to the maximum extendable period for reply, this fee is unnecessary and will be credited to petitioner's credit card.

The file is now being forwarded to Technology Center 2800 for further examination on the merits.

Telephone inquiries should be directed to Paralegal Liana Chase at (703) 306-0482.



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for Patent Examination Policy